

HON. RICHARD A. JONES

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM L. GALE,

Defendant.

NO. CR20-004-RAJ

PRELIMINARY  
ORDER OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, the Defendant William L. Gale's interest in the following property:

One Glock 9mm caliber handgun, serial number TMH869, and any associated ammunition.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The Defendant has admitted this firearm was involved in his commission of Felon in Possession of a Firearm (Dkt. No. 58, ¶¶ 7 & 9); and,
- As a result, this firearm, and any associated ammunition, are forfeitable pursuant to 18 U.S.C. § 924(d)(1) by way of 28 U.S.C. § 2461(c).

1 NOW, THEREFORE, THE COURT ORDERS:

2 1) Pursuant to 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c), the  
3 Defendant's interest in the above-identified firearm, and any associated ammunition, is  
4 fully and finally forfeited, in its entirety, to the United States;

5 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will  
6 be final as to the Defendant at the time he is sentenced, it will be made part of the  
7 sentence, and it will be included in the judgment;

8 3) The Department of Justice and/or its authorized agents or representatives  
9 ("DOJ") shall maintain the above-identified firearm, and any associated ammunition, in  
10 its custody and control until further order of this Court;

11 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
12 United States shall publish notice of this Preliminary Order and its intent to dispose of the  
13 firearm, and any associated ammunition, as permitted by governing law. The notice shall  
14 be posted on an official government website – [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty  
15 (30) days. For any person known to have alleged an interest in the firearm and any  
16 associated ammunition, the United States shall, to the extent possible, provide direct  
17 written notice to that person. The notice shall state that any person, other than the  
18 Defendant, who has or claims a legal interest in the firearm and any associated  
19 ammunition must file a petition with the Court within sixty (60) days of the first day of  
20 publication of the notice (which is thirty (30) days from the last day of publication), or  
21 within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice  
22 shall advise all interested persons that the petition:

23 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged  
24 interest in the firearm and any associated ammunition;

25 b. shall be signed by the petitioner under penalty of perjury; and,

26 c. shall set forth the nature and extent of the petitioner's right, title, or interest  
27 in the firearm and any associated ammunition, as well as any facts  
28 supporting the petitioner's claim and the specific relief sought.

1           5)     If no third-party petition is filed within the allowable time period, the  
2 United States shall have clear title to the firearm and any associated ammunition, and this  
3 Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R.  
4 Crim. P. 32.2(c)(2);

5           6)     If a third-party petition is filed, upon a showing that discovery is necessary  
6 to resolve factual issues it presents, discovery may be conducted in accord with the  
7 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
8 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
9 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
10 adjudication; and,

11           7)     The Court will retain jurisdiction for the purpose of enforcing this  
12 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
13 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
14 Fed. R. Crim. P. 32.2(e).

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16           IT IS SO ORDERED.

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18           DATED this 29th day of January, 2021.

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21           The Honorable Richard A. Jones  
22           United States District Judge  
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